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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-third session

SUMMARY RECORD OF THE 610th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 January 2000, at 3 p.m.

Chairperson: Mr. DOEK

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of South Africa (continued)

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GE.00-40540 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of South Africa [CRC/C/51/Add.2; HRI/CORE/1/92; CRC/C/Q/SAFR.1; Written replies of the Government of South Africa to the questions raised in the list of issues (document without a symbol distributed in the meeting room in English only)] (continued)

1. At the invitation of the Chairperson, the members of the delegation of South Africa resumed their places at the Committee table.

2. Ms. TIGERSTEDT-TÄHTELÄ said that the State budget should be a means of transferring funds for the use of vulnerable groups, in particular children. According to information she had obtained, one of the Government's priorities should be land redistribution; the former Government's land policy had led to gross disparities and discrimination, and to ghettoization of the poor in rural areas.

3. Ms. RILANTONO noted that the definition of the child varied from one legal instrument to another; the age for deciding to terminate a pregnancy was 18 in some instruments and 21 in others. It was important to harmonize the various national instruments by bringing them into line with the Convention.

4. The Government had adopted a reconstruction and development programme and objectives to the year 2005 in the field of education, but, regrettably, had not allocated a separate budget to children's issues or set objectives in terms of health indicators, in particular reduction of mortality rates. Information on the repercussions of the macroeconomic policies on children would be welcome.

5. Efforts should also be made to encourage birth registration. Did the Government organize training sessions for registry officials and campaigns to raise awareness of the importance of birth registration?

6. Despite a non-discrimination clause in the Constitution, there were still blatant disparities between the white and black and urban and rural populations.

7. Ms. OUEDRAOGO pointed out that monitoring of girls' virginity in certain regions of the country constituted discrimination against girls and a violation of the right to privacy and the right to physical integrity. Despite the fact that voluntary termination of pregnancy had been legalized in order to avoid criminal abortions, a large number of criminal abortions still appeared to be practised.

8. The rights to life, survival and development were also jeopardized by crime and insecurity, which were increasing. What had been the results of the programmes conducted to combat those problems, and were there plans to launch new local and provincial programmes to help the disadvantaged areas?

9. Civil and political rights, in particular the right to nationality, were also being violated. According to information from outside sources, some children born in exile were still not considered to be citizens, preservation of identity was not guaranteed after a second marriage and many children were still without a nationality.

10. Also according to outside sources, the exercise of the right to freedom of expression in school met with resistance from some teachers, and children's testimony to the Truth and Reconciliation Commission had not been acted upon. Could the delegation provide further information on those subjects? Could it also provide clarifications on the number of members, functioning and decisions of the Children's Parliament and on the required age for establishing or joining an association?

11. Overcrowding in institutions, schools, prisons and even families living in excessively small quarters constituted a breach of the right to privacy; she wondered whether the Government was planning a programme of action to combat housing problems.

12. There were deficiencies in the school system, in particular the lack of libraries and the continued use of corporal punishment and psychological violence. How did the authorities ensure the implementation of the new law abolishing corporal punishment? In particular, was there a system for monitoring schools, providing refresher training for teachers and lodging complaints?

13. The CHAIRPERSON welcomed the fact that the legislation explicitly prohibited corporal punishment in the schools, but asked whether the same was true for other establishments where children were placed. He would also welcome information about the exercise of parental authority in case of separation of the parents, especially the means used to guarantee that children, even those born out of wedlock, remained in contact with the parent not having custody and received maintenance.

14. Regarding placement of children, he asked how and by whom foster families were chosen when placement was necessary and how maintenance of ties with the natural family was guaranteed. In many provinces, there were reportedly an insufficient number of places available in institutions, which forced some children to go far away from their region of origin; could the delegation provide recent information about conditions of placement?

15. Ms. KARP asked whether HIV tests were confidential and anonymous. She was concerned at the major problem which domestic violence represented in South Africa, and asked to which authorities victims could submit complaints and whether the authorities were specially trained to cope with that type of problem.

The meeting was suspended at 3.35 p.m. and resumed at 3.45 p.m.

16. Mr. PAHAD (South Africa) said that South Africa had not concluded any structural adjustment agreements, as the Government felt that the budgetary deficit, currently at 2.5 per cent, was already considerable and that borrowing funds from the World Bank would amount to placing a heavy burden on future generations. That having been said, with 46.9 per cent of its budget devoted to social spending, South Africa was already in a good

position in comparison with other countries. According to the statistics, three provinces were much poorer than the others and on that basis were given more subsidies. The people did not appear to regard land redistribution as a priority issue, as a political party which had based its campaign on land redistribution in the 1994 elections had received only 2 per cent of the votes.

17. South Africa pursued a two-pronged policy of sustainable rural development and urban renewal, as part of a comprehensive effort to combat poverty.

18. Protection of privacy was closely linked to the level of socioeconomic development, and improvement of families' housing conditions always brought with it a decrease in overcrowding.

19. The South African Human Rights Commission, to which the State assigned an annual budget of 16 million rand, also received contributions from various donors. No Government interference in the activities of the Commission, which was an independent institution guaranteed by the Constitution, was tolerated. The members of the South African Human Rights Commission were appointed by the President, on the basis of recommendations by Parliament. The Government did not have statistical data on the international aid received by the ONGs working on behalf of children, as the funds were paid directly to them by different bodies, such as UNICEF, a practice the Government encouraged.

20. No official evaluation of the implementation of legislation concerning children was conducted in South Africa, but some follow-up was provided by the different services in question.

21. The authorities sought to encourage participation in school boards by parents, in particular those in working-class or unemployed sectors, to enable them to see for themselves how teachers were performing.

22. Ms. MKHWANAZI-XALUVA (South Africa) said that no specific research had yet been conducted on the effects of polygamous marriages on children. When questioned about genital mutilation of little girls, no member of the medical corps had been able to cite a specific case, but the issue would be duly studied by the competent services.

23. Action to combat discrimination against girls would be given special attention in the framework of the National Programme of Action for Children covering the next five years. Provisions had been adopted to prohibit the use of corporal punishment in schools and care institutions, but it was difficult to monitor family practices. For that reason the authorities planned to launch a large-scale campaign to raise parents' awareness of the harmful effects of even the mildest corporal punishment on children.

24. The close ties between the Government and the National Children's Rights Committee (NCRC) were historical in origin, as many members of the current Government had been members of the NCRC; however, the Committee was given the leeway and independence it needed in order to make a critical judgement of the Government's actions. There was no system for registering complaints by children, but NGOs and the South African Human Rights Commission helped the Government to evaluate the situation regularly. One of the duties of the Children's Desk of the Office of the President was to promote children's participation in public

life, and the Government of South Africa would welcome any suggestion from other countries or the Committee in that area, in preparation for the eventual establishment of a children's parliament.

25. Ms. SWEPAUL (South Africa) said that the Government, anxious to enforce the legal obligation to provide maintenance, had in late 1999 introduced a new Maintenance Act, which made no distinction between children born to married parents and children born out of wedlock. The Act provided complainants with a number of rights regarding recovery of maintenance. However, it was too early to make an initial assessment of its implementation. The 1997 Divorce Courts Amendment bill extended to all family courts the power of the Office of the Family Advocate, who was responsible for ensuring the best interests of the child in case of the parents' divorce.

26. Ms. DAVIDS (South Africa) said that institutional placement was a long-established practice in South Africa. The State funded the welfare bodies responsible for children's care. A parents' association worked to improve the placement services and to ensure stability of placement for children in institutions or foster families through the age of 18. Project GO, based on a document of the Inter-Ministerial Committee on Young People at Risk (IMC) describing the transformation of the child and youth care system, had significantly improved the situation of children in need of alternative care. The authorities also endeavoured to elaborate strategies to encourage the placement and adoption of HIV-positive orphans or orphans with AIDS within the extended family and in the community. Allowances for foster children were paid to families which complied with the required administrative formalities. Lastly, to improve the social status of foster families and draw attention to the important role they played in society, the first Sunday in March had been declared National Foster Parent Day.

27. Mr. VIVIERS (South Africa) said that although the National Youth Commission was responsible for formulating and coordinating policies on young people from 16 to 35 years of age, an individual was considered to be a child only through the age of 18, in accordance with the Constitution and the Convention. The recently amended Child Care Act set forth penalties for corporal punishment and all forms of violence against children, including solitary confinement of children, which was occasionally applied in certain State institutions. Care institutions were regularly monitored with a view to punishing practices of that type. Among the objectives of the transformation of the child and youth care system were better distribution of institutions among the different provinces and placement of children as close as possible to their families or their place of origin. Careful attention was paid to the staff of such institutions, from the standpoint of both quantity and training.

28. Mr. BAH (South Africa) said that in recent years the Ministry of Health had emphasized the importance of birth registration by establishing a national birth registration committee and provincial birth registration committees. Workshops had been held in the provinces to encourage the people to register births through mobile registration units. The statistics already reflected an increase in registered births. Measures had also been taken to set up a statistical database on children with a view to following up the implementation of the Convention. Data would also be collected on the children of divorced couples.

29. Ms. de KLERK (South Africa) said that the maternal mortality rate remained very high in South Africa and that the new decree on termination of pregnancies was aimed at protecting women by ending criminal abortions. Despite the decree criminal abortions remained widespread and had caused the deaths of 43 women in 1999 possibly because women were unaware of the decree or because they feared rejection by their families or members of the medical profession. Measures had therefore been taken to disseminate the decree, and abortion was free in the public hospitals. Minors who requested an abortion received counselling and did not need their parents' consent.

30. There were no immediate plans to make HIV/AIDS testing compulsory. Tests were conducted in schools, and information and prevention work was carried out with the children. An attempt was made to keep the identity of AIDS sufferers confidential in order to protect their privacy.

31. Ms. KEMP (South Africa) said that measures had been taken to raise teachers' awareness of the importance of listening to their pupils. A new teacher evaluation system had been introduced, and skills and quality of teaching were now given priority. School boards played a very important role in receiving complaints and monitoring teacher training. Overcrowded classes were a heritage from the past, and the Government was working to rectify that problem, in cooperation with NGOs.

32. Pupils were encouraged to evaluate the media by reading newspapers from a critical standpoint. In recent years pupils had begun to express their views and to write to the newspapers in order to put forward their opinions.

33. Corporal punishment had been abolished, and teacher-training programmes had been established aimed at showing that there were other ways of enforcing discipline. Complaints submitted to school administrations against teachers who continued to use corporal punishment could lead to disciplinary sanctions. Parents and the community were encouraged to report cases of corporal punishment.

34. The invasion of privacy represented by the monitoring of girls' virginity in some regions was an intensely debated subject. The girls were examined by old women, in private, and the Ministry of Health worked to raise awareness of the need to respect hygiene and children's rights in that context.

35. Ms. PIENAAR (South Africa) said that the South African police had established numerous practical crime prevention programmes. Punishment of offences against women and children was a priority for the police services; with that in mind they had set up units comprising community and police representatives, within the police stations, to study various crime-related issues. Pursuant to a decree on domestic violence, the police focused on support for victims, in particular women and children. Television programmes were broadcast for police officers in order to familiarize them with the new legislation, and information workshops on the new decree against domestic violence had been organized; police officers who did not implement the decree were liable to prosecution. Police stations often had a space for victims which served as an area of communication.

36. The Child Care Unit had been replaced in 1995 by the Unit to Combat Domestic and Sexual Violence and Protect Children. It worked in partnership with many NGOs and grass-roots organizations and was responsible for evaluating needs regarding placement in institutions; the placements themselves were conducted by NGOs with State funding. The new Act empowered the Unit to act even when the victim had not submitted a complaint.

37. Ms. HEYNS (South Africa) explained that the implementation of the decree was coordinated at the provincial level. The victims' rehabilitation programme was under the responsibility of the Welfare Department. Discussion groups had been set up, also at the provincial level.

38. Consultations were being held with certain countries, such as France and Scotland, where children's parliaments had been set up. South Africa wished to establish a reliable permanent structure of that kind, to which end studies were being conducted.

39. Mr. PAHAD (South Africa) acknowledged that, despite the efforts already undertaken, much remained to be done to ensure the implementation of the Convention, as the changing of attitudes required time and information and advocacy work in the field. For example, it had been very difficult to make people, especially religious groups, accept the idea of terminating pregnancies.

40. The CHAIRPERSON said that South Africa should focus its efforts on the progressive introduction of a society of respect for children's rights. The Government made little effort to influence the media in general, and television in particular, whereas the media could make a valuable contribution to changing attitudes, and it would therefore be useful to know who ran them. An international conference on negligence and ill-treatment of children would be held in September 2000 in Dublin, and South Africa would benefit from attending it.

41. Ms. OUEDRAOGO welcomed the fact that South Africa, which was in the midst of a process of transforming and elaborating its policies and programmes, had opted for self-adjustment rather than a structural adjustment programme sponsored by the World Bank, the beginning of a vicious circle of indebtedness.

42. The family courts set up in several provinces appeared to be experimental, and she would like to know how it was planned to establish more of them and what had been the results of the existing courts, especially in divorce cases. She would also like to know whether a family experiencing difficulties due to failure to pay maintenance was entitled to a welfare benefit.

43. It was possible to annul an adoption, but she regretted that the request could not come from the child himself; that situation was not in keeping with the provisions of the Convention, which stipulated that the views of the child must be heard. She would welcome further information on the modalities for periodic review of foster placement. The children's courts could not amend their decisions, which could only be modified through administrative channels. That meant that changes could take place at all levels and in an unsupervised manner, which was disturbing. In addition, children were not entitled to express their opinions when administrative changes were made affecting them, which was not in conformity with the Convention. Clarifications concerning the new legislation would therefore be welcome.

44. She asked whether the fact that a large number of children had to leave the family in which they had been placed was due to an error in evaluating the foster families and whether the children concerned were eventually institutionalized.

45. She asked how the decentralized primary health care services functioned and whether they included coordination, follow-up and assessment activities. Lastly, she would like to know what steps had been taken to guarantee young people's access to services of the family planning centres on a fully confidential basis.

46. She asked why the incidence of AIDS among teenagers 15 to 19 years old was so high: was it because young people did not believe the disease existed and did not take seriously the programmes which targeted them? She would also like to know whether provisions had been taken to promote female condoms and to facilitate the access of HIV-positive pregnant women to AZT treatments. Lastly, she asked how young people, especially those in rural areas, were recruited to join the programme to combat AIDS and sexually transmitted diseases, given the multilingualism and illiteracy which prevailed in most of the country.

47. Ms. KARP, referring to measures to prohibit corporal punishment, said that the State party might ask the European Union, which had developed a programme of action in that area, to help it determine an effective strategy. She would also like to know how the recommendations of the Truth and Reconciliation Commission concerning police brutality would be implemented, and, generally speaking, what measures the Government intended to take to end it.

48. Concerning the decentralization of activities relating to young people, she asked whether measures had been taken to give local Governments and NGOs the financial and human resources they needed to meet their responsibilities, always supposing that, in order to be effective, all programmes intended for children and teenagers should be part of a multidisciplinary strategy.

49. She asked whether every effort was made to reunite natural families and to assist families in difficulty before placing children with foster families or in institutions. In that connection, she would like to know whether the teams working with children received training and whether risk-prediction activities were conducted. She also asked how social workers were being prepared to implement the new child care system.

50. Noting that, because of delays in inquiry procedures, people who had committed rape or incest were released on bail, she asked whether judges were given special training in trying cases involving violence (especially sexual violence) towards children and whether NGOs, for example, conducted activities designed to raise judges' awareness of the problems encountered in that area.

51. Clarifications concerning the functioning of day-care services for children would be welcome.

52. She asked what strategies were applied in relation to child heads of household. She would like to know the impact of the child welfare programme in the rural areas. She suggested

that the maximum age for the dependent child allowance should be raised, and noted that UNAIDS might provide the State party with valuable help in combating AIDS.

53. Ms. SARDENBERG asked how the Truth and Reconciliation Commission had applied the principle of the best interests of the child when its work had led it to inquire into cases of violations of children's rights. Had it used special procedures, in particular to hear children's views?

54. Ms. RILANTONO asked whether there were plans to establish an ombudsman's post for receiving complaints concerning sexual abuse of children. She would like to know whether programmes to combat the break-up of families included activities designed to enhance parenting skills.

55. Noting that life expectancy had not increased since the end of apartheid, she asked how the Government intended to strengthen its public health policy. She would like to know why infectious diseases remained the primary cause of infant mortality and what concrete measures were being taken to combat tuberculosis, especially in HIV-positive children or children with AIDS.

56. She asked whether the Government had taken steps to prohibit advertising for infant formula and would like to know its position on genital mutilation. Noting that despite the existence of a good primary health and welfare system for children the mortality rate remained high, she asked what the Government intended to do in order to rectify the situation.

The meeting rose at 6.05 p.m.

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GE 00-40546 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of South Africa (CRC/C/51/Add.2) (continued) (CRC/C/Q/SAFR/1 (list of issues); written replies of the Government of South Africa to questions raised in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the delegation of South Africa resumed their places at the Committee table.

2. The CHAIRPERSON, referring to the list of issues, invited the delegation to reply to the outstanding questions from the previous meeting.

3. Mr. PAHAD (South Africa), replying to a question by the Chairperson, said that the print media were owned by two private companies. About half a dozen radio and television corporations were in private hands, and two were public. In an effort to change attitudes and inculcate a culture of human rights in the inhabitants, part of his mandate was to encourage the Government Communication and Information System to develop community radio stations for more direct communication with the general public, a venture in which the authorities were being assisted by India.

4. There was no specific budget for children, and he doubted that the Minister of Finance would subscribe to the idea. His delegation would, however, attempt to discover how much was spent on child maintenance grants, and how much specifically on children's education. It would also try to obtain statistics on child nutrition. Community-based organizations in rural areas should be better serviced and more effectively utilized and should enjoy greater capacity for basic tasks.

5. The Independent Medical Control Council had refused to divulge the reason why the drug azidotymidine (AZT) had not been certified for the treatment of HIV/AIDS. More in-depth research into its side effects was clearly needed. It was also expensive, and to administer the drug and be forced to discontinue it for lack of funds would be psychologically damaging to patients. Also, use of the drug would affect breastfeeding, with resultant hardship for mothers. In any event, the subject was not closed. Efforts were being made to discover an effective vaccine, and the Cabinet had agreed to release more funds for the anti-HIV/AIDS campaign, in cooperation with the Government Communication and Information System.

6. Ms. MKHWANAZI-XALUVA (South Africa), referring to early childhood development, said that a priority for 2000 was to take a holistic view of child care and child development from conception to 6 years of age. The intention was to harmonize the standards for day-care workers' accreditation throughout the country. No figures existed for visitor centres, nor was it clear where they were all located; that information would be researched in the coming months.

7. Concerning the principle of the best interests of children testifying before the Truth and Reconciliation Commission (TRC), the hearings were closed and children were counselled before and after their testimony by the TRC Commissioner conducting the hearings, herself a

child psychologist; non-governmental organizations (NGOs) also assisted with that task. There was as yet no policy on child-headed households. There might be HIV/AIDS orphans who lived alone, but they were usually cared for by the extended family; the authorities were debating the broader problem of children and HIV/AIDS. The idea of an ombudsperson on child abuse had been raised, and the authorities were drawing up a strategy of special protection measures for children by pooling the policies developed in the various departments in order to provide a comprehensive, coordinated response.

8. Ms. SWEPAUL (South Africa) said that citizenship was automatically conferred on children born to nationals in exile. In any event, most of the fundamental rights enshrined in the Bill of the Rights of the Constitution applied equally to South Africans and others, including recognized refugees, asylum-seekers and other displaced persons. Children normally retained their name if their parents remarried, unless one of the parties specifically demanded otherwise. The legislation provided for children over 12 to express their views, while those under 12 required the consent of their guardian. Family courts had been developed for the purpose of bringing all family issues under one judicial body and facilitating access to the justice system. For instance, divorces could be granted in the magistrates' courts, and were no longer awarded exclusively by the High Court. That facility would be extended to the provinces in 2000.

9. As to sex offences, she agreed on the need to reduce the secondary abuse suffered by children required to testify in court. The issues of bail and sentencing were addressed by legal mechanisms, especially the Criminal Procedure Amendment Bill, which provided for minimum sentences. A pilot sex offences court with special prosecutors set up in 1993 in the Western Cape Province had been declared successful by an NGO study. A Ministry of Justice National Task Team was currently responsible for setting up such courts in other areas. The independence of prosecutors was guaranteed by the Office of the National Directorate Public Prosecutions, which had a special sex offences unit that trained prosecutors. More generally, the Justice College of the Ministry of Justice provided multidisciplinary training for the judiciary. Parents who could not afford to pay maintenance received social assistance from the Government under the Welfare Laws Amendment Act of 1 April 1998.

10. Ms. PIENAAR (South Africa) said that her country was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and would shortly be submitting a report to the Committee against Torture. It also sat on the United Nations Working Group on the draft optional protocol to the Convention against Torture. Once the protocol was adopted, the Working Group would undertake an inspection mission to South Africa. The Code of Conduct of the South African Development Community (SADC) was enforced through the South African Human Rights Commission, with the assistance of a human rights NGO, the Association for the Prevention of Torture. Those bodies would soon be meeting with the South African Police Service (SAPS), which was anxious to improve its image, to focus on aspects relating to torture. The law-enforcement role of the police force had been extended to include community service, hence its name. The Independent Complaint Directorate dealt with all complaints against the police, and workshops were held throughout South Africa to sensitize members of the police service to human rights and child issues.

11. Ms. DAVIDS (South Africa) pointed out that adoption was a permanent out-of-home solution. In the event of the breakdown of an adoption arrangement, children enjoyed the same

right of complaint to a welfare body as others, and the necessary steps were taken under the Child Care Act. Where foster care selection was concerned, minimum standards had been developed and assessment and training programmes put in place. The programmes covered the meaning of foster care, access of the biological parents and the legal processes involved. The system was currently being debated by all sectors, with the active involvement of the authorities and NGOs. The family recruitment process was under study, with a view to harmonizing it with the Constitution.

12. The rate at which such arrangements broke down was still high, but was being tackled through risk assessment of the child and of the prospective foster family. To that end detailed data were collected on the family and a rights-based approach was adopted.

13. Foster-care arrangements were reviewed every two years prior to extension. If agreement to extend arrangements was not reached, the case was studied by a multi-diagnosis panel on which the children or their natural parents were represented. In the event of a further impasse, any of the parties could seek a ruling from the High Court. Income was provided for children below the age of 7 under the child support grant system. It had been in place for the past two years and was currently under review in connection with the Ministry of Welfare's 10-point plan for social services.

14. Mr. VIVIERS (South Africa), replying to a question concerning the fate of children following family disintegration resulting from apartheid, said that the basic principle of the Child Care Act was to keep children in the family in the first instance, unless removal was deemed to be in their best interests. Family preservation was assigned high priority in the welfare system, through various initiatives and training programmes. The Child Care Act also favoured prompt family reunification. Risk assessment had become an essential part of the service to children and families, and included a developmental strengths-based assessment which was a cornerstone of early intervention programmes and strategies for children and families at risk.

15. Action among black communities was linked to family preservation. NGOs and welfare agencies operated parenting skills programmes as part of the Life Skills Education Programme. Two pilot projects used a multi-pronged approach that included discipline in the home and negotiation skills as an alternative to corporal punishment, and parental training was aimed at economic empowerment and improved social skills.

16. Mr. BAH (South Africa) said that life expectancy in 1980 and 1985 for whites, Coloureds and Asians had been over 60. No life tables had been published in 1991, but disaggregated data would be produced in 2000. The latest mortality statistics dated back to 1995, so that figures for 1998 would have to be extrapolated. AIDS was not a leading cause of death, although its acknowledged increase was not yet reflected in the statistics. In 1994, AIDS and tuberculosis together had accounted for 6 per cent of deaths, while deaths from non-natural causes had stood at 19 per cent.

17. Ms. DE KLERK (South Africa), replying to a question about the decentralization of health services to primary health-care facilities, said that primary health care was provided free of charge and included follow-up treatment of convalescents, palliative services, first aid, ambulance transport to hospital, management of chronic diseases, health promotion and

education, health research and disease surveillance, school health services, reproductive health services, training of health workers, provision of mobile clinics to remote rural areas and supply of essential pharmaceutical products. Most of the staff of primary health-care facilities were professional nurses, although some larger services also had a full-time doctor. After qualifying, medical students had to spend a year working in a primary health service in a rural area, which helped to alleviate staff shortages in those areas.

18. All health workers were subject to a code of ethics and were legally bound to respect patient confidentiality; however, it was true that confidentiality was not always rigorously respected in practice. In addition, health professionals often viewed minors as too young to be requesting information on sexuality and reproductive health. Greater attention was therefore being focused on developing health services that met the needs of young people. It had been decided that separate health centres specifically for young people would not be cost-effective; instead, youth health services were to be provided within primary health care centres. Those youth services were already operational in some areas, while in others they were still being set up. A training manual on youth health issues had been produced for health workers.

19. The South African Demographic Health Survey had found that 95 per cent of teenagers had some knowledge of HIV/AIDS, but that 50 per cent were unaware that a healthy-looking person could be HIV-positive. A large-scale campaign had therefore been launched to increase awareness of HIV/AIDS, particularly among young people; one of the activities undertaken was an HIV/AIDS education programme for primary and secondary schools. However, research carried out in 1999 had shown that distributing condoms and improving the training and knowledge of health workers did not necessarily reduce the incidence of HIV/AIDS. "Youth ambassadors" - young people who were HIV-positive or suffering from AIDS - were playing an important role in talking to young people in schools and workshops about their experiences and emphasizing to them the need to protect themselves against HIV/AIDS. Certain celebrities had offered to play a similar role. A volunteer scheme had also been set up, through which young people visited hospitals and hospices to befriend and support HIV/AIDS sufferers.

20. The CHAIRPERSON asked how young people were recruited to the volunteer scheme, especially in remote areas.

21. Ms. DE KLERK (South Africa) said that many came forward of their own accord and then followed a training programme to prepare them for the work. Recruitment was also carried out by community-based organizations, NGOs, the HIV/AIDS unit within the Department of Health and the National Youth Commission, a body made up of young people with a mandate to address youth issues.

22. The female condom was available free of charge but was not yet widely used. Official Government policy remained in favour of breastfeeding, although the possibility of mother-to-child transmission of HIV via breastfeeding had raised questions as to the wisdom of that policy. HIV-positive mothers were now provided with information on the risk of transmission so as to make an informed choice about whether or not to breastfeed.

23. According to the demographic and health survey, the overall infant mortality rate was 45 per 1,000 live births and the rate for children under the age of 5 was 59 per 1,000 live births.

The Integrated Management of Childhood Illnesses strategy had been adopted in South Africa. HIV/AIDS was an area not covered by the strategy; however, South Africa was the first country to have developed an HIV/AIDS module, which was currently being tested. The community and family component of the strategy was now being addressed.

24. The CHAIRPERSON asked whether adoption could be revoked at the request of the child as well as of the parents.

25. Ms. DAVIDS (South Africa) said that, if a child made such a request, social workers investigated the reasons for it and made a recommendation accordingly.

26. The CHAIRPERSON invited the members of the Committee to ask further questions on health, followed by questions on education, leisure and cultural activities and special protection measures.

27. Mrs. OUEDRAOGO asked whether an accident prevention programme was in place, given the high number of children who died as a result of accidents in South Africa. She welcomed the fact that the country was continuing its research into AZT.

28. A subject of particular concern to her was the risk posed to children by environmental degradation. The report stated that a review of environmental health policy was under way to address the problem of waste disposal sites in marginal and urban areas that were accessible to children. She would like to know what progress had been made with that review since the preparation of the report.

29. She asked what measures had been taken or were envisaged to ensure that the ban on selling tobacco to under-18-year-olds was respected. She would also like to know what progress had been made on the programmes mentioned in written reply No. 20.4 to combat smoking and drug and alcohol abuse.

30. Despite the fact that South Africa was a food-exporting country, a substantial proportion of the population suffered from malnutrition. She asked how that contradiction could be explained. She would also like to know what results had been achieved by the school- and community-based programmes to combat malnutrition which had been introduced in 1996. They would have to be supplemented by programmes targeting families if the problem was to be addressed in a comprehensive way.

31. Written reply No. 20.6 mentioned an increase in the number of suicides and suicide attempts among young people, which implied an increase in the incidence of psychological problems. She asked whether any investigation had been conducted into the reasons for such psychological problems. She would also like to know whether adequate mental and psychological health services were available for young people.

32. As traditional medicine was popular in South Africa, she asked what assistance was given to practitioners to improve their services. It was important to set standards and provide training, perhaps with the involvement of the Department of Health, in order to ensure that the care provided by the traditional medicine sector was of high quality.

33. Sanitation was still a problem, despite the programmes which had been drawn up to address it; she asked what progress had been made in implementing those programmes. She would like to know why separate latrines for men and women were not built, given that men often refused to share latrines with women. Once separate latrines were built, a campaign might then be conducted to encourage people to use latrines and to raise awareness of the health risks associated with not using them.

34. She asked what was being done to address the problem of the increasing number of AIDS orphans and abandoned children, and also whether HIV-positive mothers received any financial help from the Government.

35. Mrs. RILANTONO said she would appreciate further information about the practice of circumcision mentioned in the written reply to question 21, as many deaths occurred when circumcisions were carried out in non-sterile conditions. She requested clarification of the Government's attitude to circumcision, given that it was described in the reply as a "cultural practice".

36. Regarding mortality and life expectancy, she suggested that the cure rate of tuberculosis patients who also suffered from HIV/AIDS should be examined, as it was likely to be lower than the cure rate for patients suffering from tuberculosis alone.

37. She welcomed the fact that 19.7 per cent of the national budget was spent on education and that the Curriculum 2005 programme was fully compatible with the holistic approach to education described in article 29 of the Convention. However, paragraphs 381 and 388 of the report highlighted the persistent glaring disparity between the privileged and disadvantaged sections of society in terms of the education provision they received. She would like to know what measures were being taken to eliminate that disparity.

38. Regarding special protection measures, she noted that many children had been involved in armed conflict during the apartheid era; some of them were now adults who were likely still to be traumatized by their experiences. She would like to know what was being done to rehabilitate them and reintegrate them into society. She also asked whether the support given to refugees in recent years had caused any tension in local communities over access to resources and services.

39. Mr. RABAH requested information about the reasons why children dropped out of school and asked whether any measures were in place to combat that problem. He would like to know how the children of illegal immigrants were treated, given that they were not regarded as citizens. He would also like to know what was meant by the statement in the report that the detention of refugee children in police cells and prisons was "under investigation". Referring to paragraph 508 of the report, he requested more information on the mechanism for monitoring children awaiting trial and asked how long children usually had to spend awaiting trial. He would also like more information about how children were represented in court and whether there were any alternatives to punishment for juvenile offenders. The report made no mention of girl offenders; did any reform institutions exist specifically for them?

40. Mrs. TIGERSTEDT-TÄHTELÄ said she was somewhat confused by the fact that the discussion was centred on average statistics and standards when, in reality, South African society appeared to consist of two completely different groups: those who were very poor and those who belonged to the privileged elite. She asked whether it would be true to say that there were almost no problems regarding children's rights in the elite sector of society, whereas formidable problems remained among the disadvantaged. She was reluctant to request a double set of statistics but would nonetheless welcome clarification of that point.

41. Mrs. KARP said that the impact of the Convention on vulnerable children, especially those in rural areas and black communities, was unclear. In that regard, to what extent was the support grant system mentioned earlier used in rural areas and was it applied equally to all children in need? With regard to education, she asked whether the Curriculum 2000 programme had actually been put in place and how it was linked to Curriculum 2005? As the programmes in question were being implemented gradually, teachers must be trained to work in accordance with the processes involved.

42. It was clear that black children did not always have access to cultural and leisure activities, and that economically disadvantaged communities were also unable to benefit from them. Physical and cultural education were not included in many school curricula owing to a lack of trained teachers. The principle of recreation was very important for providing the rehabilitation essential for children who had undergone traumatic experiences in the past. Attention should be focused on areas where there was a lack of leisure and cultural facilities. What was being done to implement suitable programmes throughout the school system?

43. With reference to the juvenile justice system, she asked how widely the projects being introduced were implemented. More details should be provided on the lives of children who found themselves in conflict with the law. She would also like to know whether punishments been handed down by the courts in cases of incest and rape and whether the general public felt that the problem was being tackled seriously. She acknowledged the efforts made to bring the juvenile justice system into conformity with the Convention. With regard to the minimum age of criminal responsibility, most Committee members agreed that 7 was too young. The proposed increase in the limit to the age of 10 was not necessarily a good idea, since the cases of children between the ages of 10 and 12 would be left to the discretion of individual judges. There were very few actual children's courts in existence. Any changes made to the system might result in discrimination against or harmful effects on children. Of still greater importance was the manner in which children below the minimum age were treated. In general terms, discretion should not be given to judges and clear cut rules should be laid down, if a new system was to be put in place.

44. No details had been provided regarding the implementation of the recommendation made by the Truth and Reconciliation Commission on police brutality. It was true that a police training project had been set up. However, if very clear conclusions were not drawn from specific cases, the notion of dealing with police brutality would remain theoretical.

45. Turning to the subject of foster care, she asked how often the situation of children in care was reviewed. Was any consideration being given to increasing the frequency of such reviews? Furthermore, how did the review system tie in with the periodic assessment of institutions?

46. She noted that the amendments to section 29 of the Correctional Services Act, emanating from a private bill, would reverse the Government's view that children should not be kept in pre-trial detention. If judges were to take final decisions relating to detention, the best interests of the child must take precedence over all other matters. The amendment in question required further consideration.

47. Finally, more information should be provided on the following issues: why were only 10 per cent of children actually represented in court? How was it that more children were kept in pre-trial detention for economic crimes than for violent acts? What had been done to respond to the complaints regarding physical abuse made by the children of illegal aliens, who were detained for long periods? What follow-up programmes were provided for children leaving prison?

48. Mrs. OUEDRAOGO asked how South Africa's new educational reforms would address the problem of teachers not achieving successful results in their work. In that regard, had a monitoring and inspection system been put in place for teachers?

49. In accordance with legislation enacted in 1996, school attendance was compulsory. It had not been made clear, however, how the legislation was applied in practice. Given the high rate of children dropping out of school it was clearly important to strengthen the inspection system for all categories of pupils.

50. In South Africa there were many cases of children whose parents could not afford to pay public education fees. She asked what was done to help those children and whether a system of grants and allowances was in place for the families concerned. In accordance with the conclusions of the World Conference on Education for All: Meeting Basic Learning Needs, held in Jomtien, Thailand, primary education should be free and compulsory for all children. What provision had been made in that regard by South Africa?

51. She also asked whether young people had participated in the preparation and implementation of programmes designed to combat violence in schools. Had the National Youth Commission also taken part in those activities?

52. Mrs. OUEDRAOGO asked what decisions had been taken by the Government with regard to child asylum-seekers. Had any children been forcibly repatriated? Concerning juvenile justice, the written reply to question 26 of the list of issues stated that there was no age limit for children held in detention or restriction of the period for which they could be held. What was the age of the youngest child held in detention and what was the maximum period of detention for which provision was made? Those areas were particularly important given that the lack of safeguards relating to the detention of children directly contradicted the spirit of the Convention.

53. Regarding child labour, she noted that South Africa had signed a Memorandum of Understanding with the ILO on the International Programme on the Elimination of Child Labour (IPEC). Given that informal child labour also constituted a form of exploitation, what did the authorities intend to do to combat the problem? In their campaign to combat poverty, had the authorities taken into account the fact that child labour was often linked to poverty?

54. A number of cases of sexual abuse had been cited in the written replies. However, it had not been made clear how the victims had been cared for or how the perpetrators had been dealt with. In that connection, children must be aware of their rights and be both prepared and able to denounce those committing acts against them, even in family situations. It was necessary to set up a public awareness campaign and to provide psychological rehabilitation programmes for the children concerned.

55. Mrs. KARP, endorsing Mrs. Ouedraogo's comments, asked whether there had been follow-up to the implementation of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children. Had any conclusions been drawn from the results achieved? Although measures had been put in place to help children to make complaints in such situations, national legislation required further amendment. In that regard, it was very important to adopt a comprehensive strategy and to outline the time frame for the implementation of that strategy.

The meeting was suspended at noon and resumed at 12.15 p.m.

56. The CHAIRPERSON invited the delegation to provide written replies to any questions not answered before the end of the current meeting.

57. Mr. PAHAD (South Africa), referring to Mrs. Tigerstedt-Tahtela's remarks, said that South Africa indeed constituted two separate nations. It was fundamental to understand that society had previously been dominated by a unique form of institutionalized racism. However, many developments had taken place in the past five years. From the point of view of discussions with the Committee, the different sources of information based on which Committee members had raised questions did not necessarily constitute an adequate foundation for replies to be provided. It was important for the delegation and the Committee to reach agreement, in the best interests of the child.

58. Replying to a question by Mrs. Karp regarding the Truth and Reconciliation Commission, he said that the issue of police brutality had been addressed, in that training programmes had been introduced for police officers and the entire system of prosecution had been modified. Government comprised three independent sectors in South Africa: the executive, the legislature and the judiciary. The principle of judicial independence was enshrined in the Constitution. With regard to the judiciary, the fact that a number of judges had failed to understand that they were operating in a democratic country gave cause for concern to all. However, the South African Government was doing its utmost to deal with the consequences of the inadequate sentences handed down by certain judges for what were very serious crimes. The request for information relating to the recommendations made by the Truth and Reconciliation Commission should be clarified.

59. With regard to food exports, the points of view of the delegation and the Committee were both valid. Food exports, in addition to vegetables and flowers, were a great boost to the Government's revenue and would continue to be so. However, over and beyond the question of exports, it was critical to have policies and programmes that would empower small African farmers to produce for their own consumption and for local markets, that being an integral aspect of Government development policy.

60. Mr. CHABALALA (South Africa) said that, since the introduction of the National Programme of Action, 200 labour inspectors, police officers, educators and NGO representatives had been trained throughout the provinces. A holistic approach had been taken to the training programme in acknowledgement of the fact that children's issues could not be tackled by one set of players alone. The persons trained had been expected to develop programmes of action at the provincial level, guided by national policies, and to raise public awareness. Provincial structures had been set up which were expected to filter down to the local level. It was important for efforts to focus on implementing policies at the local level.

61. Statistics South Africa (Stats SA) had been commissioned to conduct a comprehensive survey on the extent of child labour in South Africa, to help the Government analyse its strengths and develop a more focused strategy on child labour. Technical assistance had been provided by ILO, and it was hoped that the results of the survey would be available in March or April 2000.

62. In the context of the Global March Against Child Labour, South Africa had organized a march in 1998, from Cape Town through selected provinces, which had been successful in raising public awareness of children's issues. South Africa had been actively involved in the process leading to the adoption of the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

63. The CHAIRPERSON asked whether the informal sector had been taken into consideration in training programmes, especially domestic work. Girls who participated in that type of work were often vulnerable to abuse. He wondered whether the Government had devised any means of combating the problem, bearing in mind the hidden, inaccessible nature of the informal sector.

64. Mr. CHABALALA (South Africa) said that the Government was aware of the elusive nature of the domestic work area. Special attention had been paid to the girl child under the National Programme of Action. The most proactive means of altering the situation was awareness-raising in order to change attitudes, but it was clear that other mechanisms would also be needed. He would welcome information about successful strategies in other countries.

65. Ms. SWEPAUL (South Africa) said that the decision to establish a juvenile justice system had been taken subsequent to the ratification of the Convention by South Africa and the development of the National Programme of Action. His delegation had taken note of Mrs. Karp's recommendation to raise the age of criminal responsibility, which would be duly conveyed to the relevant authorities, but it should be noted that the draft legislation on a juvenile

justice system was shortly to be approved by the Cabinet and adopted by Parliament. Special emphasis had been placed on extending the projects administered in South Africa to rural communities and the Department of Justice and Welfare was contemplating expanding the Port Elizabeth-based "one stop centre".

66. The Private Member's Bill had been introduced after children awaiting trial had been released, due to a lack of intersectoral coordination. The bill was expected to be taken off the statute books that year, and the Department of Justice and Welfare and other departments were committed to enacting the juvenile justice legislation in 2000.

67. Although children had the right to legal representation, the Government believed that that issue required careful attention. The new draft bill stressed the importance of legal representation, the right to which could not be waived. South Africa had signed the United Nations Development Assistance Framework with a view to building capacity for the juvenile justice system through training and awareness-raising for the different players involved in criminal justice.

68. Ms. DE KLERK (South Africa) said that her delegation would furnish written replies to the outstanding questions.

69. The CHAIRPERSON invited the Committee members to offer preliminary concluding observations or recommendations.

70. Mrs. OUEDRAOGO said that the high level of the South African delegation attested to the importance which the Government attached to children's issues. She encouraged South Africa to pursue the legislative reform begun to ensure compliance with the provisions of the Convention. The attention given to policies, programmes and ongoing studies on the situation of children in South Africa was commendable, but few concrete measures had actually been taken in the field. There was a need to reformulate or strengthen existing programmes to bring them into line with the actual situation in the country and thus address children's issues more effectively. Given the Convention's multisectoral approach, South Africa's decision to use it as a tool of development was a sound one. However, she could not over-emphasize the need to adopt the Convention's holistic view, and develop appropriate monitoring mechanisms for implementation and in particular ensure the effective implementation of article 4.

71. Serious imbalances existed in the South African system, which gave the impression that there were two separate countries. Positive discrimination might be utilized to raise standards of living and to give due attention to the victims of apartheid. The general principles of the Convention should become the cornerstone of the programmes introduced. She also highlighted the need to raise the age of criminal responsibility, to identify appropriate solutions for housing, education and health and the serious problem of adolescent suicides and to address the problems relating to clean water and the environment as well as violence, crime and sexual exploitation, in the overall interests of children. The Committee was optimistic that South Africa would make progress, based on its demonstration of determination and political will.

72. Mr. PAHAD (South Africa) thanked the Committee for its interest in South Africa and said that the delegation had learned much from the exchange. However, he was still concerned

about some of the Committee's sources of information on the situation in his country, which had apparently given the idea that the Government was unable to implement its policies. He was certain that it would be difficult to find another middle-income country which could compare favourably with South Africa in terms of expenditures on education, health and welfare.

73. As South Africa entered another budget cycle, it would have to face difficult choices, including the extent of social expenditures. One sensitive issue related to the education budget, most of which was spent on personnel, effectively excluding expenditure to build additional classrooms and provide better equipment and textbooks for rural areas. Civil society had been silent on that question.

74. With regard to poverty, throughout its rich history the African National Congress (ANC) had always placed the masses at the centre of its policy, and that would not change while it was the ruling party. The ANC was committed to improving the lives of the poor and to empowering women, especially African women, children and the disabled. Indeed, South Africa had some of the best policies for the disabled in the world.

75. His delegation welcomed the Committee's questioning of the Government's priorities. In fact, at the recent Cabinet meeting, the President had spoken of the Government's need to make the transition from wishes to priorities, and priorities for the year were expected to be announced in the President's State of the Nation address. One priority would be a public awareness campaign on children's issues.

76. His delegation agreed with the Committee's comments about the need for a holistic approach, critical evaluation and better data collection. In that connection, Statistics South Africa would be asked to focus efforts on improving collection of data on children. For its part, the Government would undertake to enhance interdepartmental cooperation in data collection, strengthen existing projects and programmes and improve their monitoring and evaluation.

77. The CHAIRMAN thanked the delegation for its frank approach to the discussions and commended the Government on having made children's rights a political issue. He expressed the hope that the results of the Committee's consideration of the report would be disseminated throughout South African society.

The meeting rose at 1.05 p.m.